

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

FLAME S.A.,

Plaintiff,

v.

Civil Action No. 2:13-cv-00658-RGD

INDUSTRIAL CARRIERS, INC.,
VISTA SHIPPING, INC., and
FREIGHT BULK PTE. LTD.,

Defendants.

**PLAINTIFF FLAME S.A.'S
REVISED REQUESTS FOR PRODUCTION OF DOCUMENTS TO
DEFENDANTS INDUSTRIAL CARRIERS, INC., VISTA SHIPPING, INC., AND
FREIGHT BULK PTE LTD.**

Pursuant to Local Rule 26 and Rules 26 and 34 of the Federal Rules of Civil Procedure and the Court's Order at the hearing on December 6, 2013, Plaintiff Flame S.A. ("Plaintiff") hereby submits its Revised Request for Production of Documents to Defendants Industrial Carriers, Inc. ("ICI"), Vista Shipping, Inc. ("Vista"), and Freight Bulk PTE Ltd. ("FBP") (referred to collectively hereafter as "Defendants"). Defendants shall produce true and completely accurate copies as required by the Court and the rules in advance of Plaintiff's Court-ordered deposition of Viktor Baranskiy and not later than December 12, 2013.

DEFINITIONS

1. "Vessel" means the M/V CAPE VIEWER.
2. "FFA" means the forward freight agreements entered into by Plaintiff and Industrial Carriers, Inc. on March 12, 2008, May 19, 2008, August 14, 2008, and August 29, 2008.



INSTRUCTIONS

1. If any document is withheld from production under a claim of privilege or other exemption from discovery, state the title and nature of the document, and furnish a list signed by the attorney of record giving the following information with respect to each document withheld:

- a. the name and title of the author and/or sender and the name and title of the recipient;
- b. the date of the document's origination;
- c. the name of each person or persons (other than stenographic or clerical assistants) participating in the preparation of the document);
- d. the name and position, if any, of each person to whom the contents of the documents have been communicated by copy, exhibition, reading or substantial summarization;
- e. a statement of the specific basis on which privilege is claimed and whether or not the subject matter or the contents of the document is limited to legal advice or information provided for the purpose of securing legal advice; and
- f. the identity and position, if any, of the person or persons supplying the attorney signing the list with the information requested in subparagraphs above.

2. If any document requested herein was at one time in existence, but has been lost, discarded or destroyed, identify such document as completely as possible, providing as much of the following information as possible:

- a. the type of document;
- b. its date;
- c. the date or approximate date it was lost, discarded or destroyed;
- d. the circumstances and manner in which it was lost, discarded or destroyed;
- e. the reason or reasons for disposing of the document (if discarded or destroyed);
- f. the identity of all persons authorizing or having knowledge of the circumstances surrounding the disposal of the document;

g. the identity of the person(s) who lost, discarded or destroyed the document; and

h. the identity of all persons having knowledge of the contents thereof.

3. Any response to these requests shall set forth the request in full before each response. Separate responses shall be provided with respect to each request. If, after a good faith search, Defendant concludes that there have never been documents responsive to a particular request, so state.

DOCUMENTS TO BE PRODUCED

1. Any and all documents concerning monthly bank statements for all three defendants and their subsidiaries (*see* PWC report, annexed hereto as Appendix A) for the period January 1, 2008 to December 31, 2011.

2. Any and all documents during the period from and including January 1, 2008 to December 31, 2008 concerning monthly settlements of the forward freight agreements (“FFA”) entered into by Plaintiff and Industrial Carriers, Inc. on March 12, 2008, May 19, 2008, August 14, 2008, and August 29, 2008.

3. Any and all documents concerning the minutes of board meetings of each named Defendant and its respective subsidiaries (*see* Appendix A) for the period from and including January 1, 2008 to December 31, 2013.

4. Any and all documents concerning records relating to the identity of all shareholders for each named Defendant and its respective subsidiaries (*see* Appendix A) for the period from and including January 1, 2008 to December 1, 2013.

5. Any and all documents concerning contracts relating to the ownership and registration of the Motor Vessel CAPE VIEWER (hereafter “Vessel”) for the period from

January 1, 2008 through the present, including, but not limited to any documents reflecting registration in the Republic of the Marshal Islands, Singapore, or any other port or place.

6. All management contracts relating to the Cape Viewer.

7. All contracts by and between Vista, Freight Bulk and/or any third party manager relating to the operation of the Cape Viewer.

8. All correspondence and records relating to the Cape Viewer sent to and from Vista and/or Freight Bulk and/or their agents and the Classification Society for the Cape Viewer

9. The Cape Viewer's Proof of Entry with a Mutual P&I Club, including all correspondence to and from Club relating to defendants.

10. All documents relating to any vessel purchase by Freight Bulk, including, but not limited to, loan agreements, preferred ship mortgages, applications for credit, and bank transfers.

11. Copies of any and all emails or other correspondence between Victor Baranskiy and Sergei Baranskiy relating to the defendants' purchase, charter, or operation of any vessel, since January 1, 2008, including, but not limited to, CAPE VIEWER and CAPE CLIMBER.

Dated: December 8, 2013

FLAME S.A.



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CERTIFICATE OF SERVICE

I hereby certify that on the 7th day of December, 2013, the foregoing Requests for Production were sent via electronic mail, by agreement, to the following counsel of record:

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